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Crl.O.P.No.8843 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.8843 of 2023

Karri Sai Raghava

... Petitioner

Vs.

State Rep by:
Inspector of Police,
C-2, Periyapalayam Police Station,
Thiruvallur.
(Crime No.212 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.212 of 2023 pending
investigation on the file of the respondent police.

For Petitioner : Mr.J.Sakthivel

For Respondent : Mr. C.E.Pratap
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 19.03.2023, for the offence punishable under Section 304 (2) IPC in
Crime No.212 of 2023 on the file of the respondent police, seeks bail.



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2. The case of the prosecution as per the defacto complainant Rinku Sahoo from Odissa is that his cousin brother/victim was working as a helper along with the petitioner in a private limited company at Tiruvallur. On 18.03.2023 at about 11.15 hours, when they were cleaning the builder machine parts, the petitioner has inserted compressor machine pipe into the Anus of the victim due to which, the victim suffered intestinal arrest and immediately, he was taken to hospital and admitted wherein, he died on 19.03.2023 at about 1.20 a.m. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been in Judicial Custody from 19.03.2023. Even as per the allegations made by the prosecution, the petitioner did not have any intention to cause the death of the deceased and the major part of the investigation is completed. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent vehemently opposed to grant bail to the petitioner stating that the petitioner and the victim are co-workers. On the date of occurrence, the



petitioner has inserted the compressor machine pipe into the anus of the victim due to which, the victim suffered intestine arrest and died in the hospital without responding to the treatment and that the investigation is pending. He further submitted that the petitioner is a resident of Andhra Pradesh and there is every possibility of the petitioner getting abscond if he is released on bail.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) and perused the materials available on record including the FIR.

6. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner, this Court is inclined to grant of bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** with **two sureties out of which, one surety shall be a blood relative of the petitioner**, each for a like sum to the satisfaction of the **learned**



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District Munsif-cum- Judicial Magistrate, Uthukottai, Thiruvallur

District, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police everyday at 06.30 p.m., for three weeks and thereafter, every Saturday at 6.30 p.m. until further orders.

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]*;



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[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

24.04.2023

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To

1. The District Munsif cum Judicial Magistrate,
Uthukottai, Thiruvallur District.
2. The Inspector of Police,
C-2, Periyapalaym Police Station,
Thiruvallur.
3. The Superintendent,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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